

MINUTES

UTAH Chiropractic Physician Licensing Board MEETING

October 11, 2007

**Room 475 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:03 a.m.

ADJOURNED: 12:29 p.m.

Bureau Manager:
Board Secretary:

Daniel T. Jones
Lee Avery

Board Members Present:

Theodore J. Scott, DC, Chairperson
Lew Wheelwright, DC
James D. Knight, DC
Gordon McClean Jr., DC
Ed Sperry

Guests:

Tim Apgood

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS: MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from July 12, 2007 were reviewed.
Dr. Knight motioned to accept the minutes, seconded
by Dr. McClean. The motion carried unanimously.

Discussion:

The Board briefly discussed the hearing for Dr.
Whitley. This has been scheduled for December 13,
2007. The Division will send out an agenda at that
time.

APPOINTMENTS:

Dr. Bruce Van Gunderson, review stipulation
agreement

Dr. Gunderson presented himself to the Board. He
advised the Board his probation was terminated and
while his license shows it is no longer on probation it
still shows a restriction of minor patients. Dr.

Gundersen stated he thought all restrictions would be lifted when he completed probation. The Board reviewed Dr. Gundersen's stipulation and noted subsection eleven (11), number one (1) states Respondents license shall be revoked, however, that revocation shall be stayed and Respondents license shall indefinitely be restricted to providing chiropractic services to patients over 18 years of age. Respondent's restricted license shall be placed on probation for five (5) years with the following terms and conditions. The Board talked with Dr. Gundresen in detail, expressing many concerns, noting this restriction could be a deterrent for him. Dr. Gundersen assured the Board he continues to work with the sex offender therapist including helping him with other offenders in the program. Dr. Gundersen also stated that before his probation ended, the therapist he was seeing said he could see minor patients. Dr. Gundersen asked the Board what he could do to resolve its concerns. The Board encouraged Dr. Gundersen to go to the therapist and have the therapist come before the Board or submit a letter to the Board. Dr. Wheelwright motioned to postpone making a decision until Dr. Gundersen can bring his therapist to the next Board meeting, seconded by Dr. Knight. The motion carried unanimously.

Mr. Jones asked Dr. Gundersen to bring the following with him;

- #1 A practice plan.
- #2. A letter from therapist.
- #3. A letter from the relative working with you.
- #4. A letter from any group you are associated with, group leader, priest, etc.
- #5. Have his therapist meet with the Board.

The Board expressed an interest in obtaining an independent review of Dr. Gundersen's progress.

Dr. Wheelwright motioned the rest of this discussion be tabled until later in this meeting seconded by Dr. McClean. The motion carried.

DISCUSSION:

Mr. Jones reviewed with the Board concerns with the request made by Dr. Gundersen. Mr. Jones stated he will contact Dr. Brunson, the Divisions attorneys and have Dr. Gundersen present his information at the next Board meeting.

Dr. Wimmer presented himself to the Board. Dr. McClean conducted the interview. Dr. Wimmer stated things were going well and he continues seeing Dr. Jean Atkinson who provides regular reports to the Division. Dr. Wimmer stated he sees his bishop and has joined a management group. They have weekly coaching sessions. Dr. Wimmer advised the Board he has a new office manager and has been approved to take the NBCE exam and will schedule this within the next few weeks. Dr. Wimmer stated he has a chaperone with his female patients and they sign and initial the charts. The Board cautioned Dr. Wimmer against isolating himself as this can lead to a relapse. The Board asked to see Dr. Wimmer in January 2008. **In Compliance**

Dr. Gregory Futrell, Probation Interview

Dr. Futrell briefly reviewed the reasons his license is on probation. Dr. Futrell advised the Board he has a receptionist, Jessica Lloyd, who accompanies him with all female patients. She signs her name in each patients file. Dr. Futrell stated he is taking the Boundaries and Ethics exam in December. The Board encouraged Dr. Futrell to contact the Salt Lake Community College for an ethics course. The Board asked Dr. Futrell to have his staff review his stipulation and submit a letter stating she has read and understands the terms. The Board asked to see Dr. Futrell in January 2008. **In Compliance**

Dr. Daniel Knechtel, Probation Interview

Dr. Knechtel failed to keep his appointment with the Board. After a brief discussion, Dr. Knight motioned for Mr. Jones to get an order to show cause, seconded by Dr. McClean. The motion carried unanimously. After further discussion Dr. Knight amended his above motion to include Dr. Knechtel is in violation of the statute by not notifying the Division of address changes, seconded by Dr. McClean. The motion carried unanimously.

Dr. David Hawkins, Probation Interview

Dr. Hawkins presented himself to the Board. Mr. Sperry conducted the interview. Dr. Hawkins briefly reviewed the reasons why his license is on probation. Dr. Hawkins advised the Board he has a court

appointment for the pending criminal charges. He has changed his entire staff. The Board advised Dr. Hawkins it needs a written statement from her indicating she is aware of his professional license being on probation. The Board reviewed Dr. Hawkins billing practices and recommended Dr. Hawkins get a copy of the insurance manual and make this available for himself and his staff and to attend an insurance class noting it may also be beneficial for his assistant to attend as well. The Board also encouraged Dr. Hawkins to review billing practices with his mentor, Dr. Jim Grant, DC and to read the book 'The E-Myth' by Michael Gurber. The Board briefly reviewed the criminal charges pending against Dr. Hawkins and the possible ramifications towards his professional license of a conviction or a plea.

The Board asked to see Dr. Hawkins in March 2008.

In Compliance

Dr. Ronald Rosquist, Probation Interview

Dr. Rosquist presented himself to the Board. Dr. Wheelwright conducted the interview. Dr. Rosquist briefly reviewed with the Board the reason his license is on probation. Dr. Rosquist stated he is not treating female patients without a chaperone and the chaperone is signing the charts. The Board asked Dr. Rosquist to have his chaperone submit a letter to the Board noting she had read and understands the terms to his probation. Dr. Rosquist gave the Board copies of the Ethics and Boundary courses he has completed. The Board talked with Dr. Rosquist about the course and how it affected him. The Board asked to see Dr. Rosquist in March 2008. **In Compliance**

Dr. Derek Birch, Probation Interview

Dr. Birch presented himself to the Board. Dr. Scott conducted the interview. Dr. Birch advised the Board of the problems he had when trying to sign up to take the Ethics course at Utah State Valley College (USVC). The Board suggested he could also contact Columbia College or Salt Lake Community College regarding their ethics courses. Dr. Birch advised the Board he is planning to take the National Boards of Chiropractic Examiners (NBCE) exam the end of November. Dr. Birch stated his practice is doing ok. The Board encouraged Dr. Birch to obtain a professional mentor and to not isolate himself. The

Board asked to meet Dr. Birch in January 2008.

In Compliance

Dr. Keith Hansen, Probation Interview

Dr. Hansen presented himself to the Board. Mr. Sperry conducted the interview. Dr. Hansen stated he has not been working in Chiropractic since July 2007. The Board advised Dr. Hansen if he is not working in the profession for more than sixty (60) days, his probation stops until he starts working again. To keep his probation active, he needs to work at least one (1) day a month. The Board encouraged Dr. Hansen to volunteer at the homeless shelter to meet this requirement. The Board reminded Dr. Hansen if he lets his license go, he will need to take part three (III) and part four (IV) of the National Boards. Dr. Hansen stated he has completed the medical ethics course. The Board asked Dr. Hansen to bring a letter with him detailing his work plans and a letter from the homeless shelter if he volunteers his professional services there. The Board reminded Dr. Hansen he cannot treat female patients under the age of twenty-five (25). The Board asked to see Dr. Hansen January 2008.

Not in Compliance.

DISCUSSION:

Discussion not on the Agenda:

Mr. Jones briefly reviewed with the Board the procedure for emergency hearings.

Rule Change Proposal, Dr. James Knight

The Board reviewed the proposed rule changes.

The Board expressed concerns with not requiring the new licensed Chiropractic physicians to meet with the Board before the license is issued or before their license is renewed. Mr. Jones advised the Board this was not listed in Statutes and cannot be added to the rules.

The Board discussed the possibility of adding this to the continuing education (CE) requirement to help meet the CE hour requirement. Mr. Jones will search this.

Not on the Agenda:

Dr. Knight noted the next Federation of Chiropractic Physicians Licensing Board convention will be May 11, 2008.

Hearing for Dr. Whitley

Mr. Jones advised the Board the hearing is scheduled for December 13, 2007. More information to be announced at a later date.

Next regular Board meeting January 10, 2008

The 2008 Boards have been scheduled:
April 10, 2008
July 10, 2008
October 9, 2008

BUSINESS FROM PREVIOUS MEETING:

None

ADJOURN:

Motion to adjourn by Dr. Knight at 12:29

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

01/10/08
Date Approved

(ss) Theodore J. Scott, DC
Chairperson, Utah Chiropractic Physician Licensing Board

01/10/08
Date Approved

(ss) Daniel T. Jones
Bureau Manager, Division of Occupational & Professional Licensing